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October 31, 2019

VIA ECF & EMAIL

Honorable Stuart M. Bernstein
United States Bankruptcy Court
Southern District of New York
One Bowling Green, Room 723
New York, NY 10004-1408

Re: Picard v. Citibank (In re: Bernard L. Madoff), Adv. Pro. No. 10-5345 (SMB):
Memorandum Decision Denying Trustee's Motion for Leave to File Amended Complaint

Dear Judge Bernstein:

We are counsel to Irving H. Picard (the "Trustee"), as Trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC and the estate of Bernard L. Madoff. We write to request an extension of the deadline to settle the order on the decision of October 18, 2019 denying the Trustee's motion for leave to file an amended complaint. Under Local Rule 9074-1(a), the deadline to submit the proposed order is November 1, 2019.

The Trustee's counsel has conferred with counsel for Defendants Citibank, N.A. and Citicorp North America, Inc. in an effort to submit a proposed order on consent. Given the unique procedural posture of this case – with the potential return of claims against one defendant (Citigroup Global Markets Limited ("CGML")) and the petition for writ of certiorari pending before the Supreme Court¹ – the Parties jointly and respectfully request an additional seven (7) days, until November 8, 2019, to comply with Local Rule 9074-1(a).

¹ On March 9, 2017, the Trustee's claims against CGML were dismissed from these proceedings. *See* Stipulated Final Order Granting in Part and Denying in Part Mot. to Dismiss, ECF No. 107; *Sec. Inv'r Prot. Corp. v. Bernard L. Madoff Inv. Sec. LLC (In re Madoff)*, No. 08-01789 (SMB), 2016 WL 6900689 (Bankr. S.D.N.Y. Nov. 22, 2016) ("Extraterritoriality Decision"). On February 25, 2019, the Second Circuit entered a decision reversing the Extraterritoriality Decision and vacating the judgment dismissing CGML. *In re Irving H. Picard*, 917 F.3d 85, 105-06 (2d Cir. 2019). On April 23, 2019, the Second Circuit issued an order granting a motion filed by defendant-appellees, including CGML, to stay the issuance of the mandate pending the disposition of their impending petition

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Respectfully submitted,

/s/ Seanna R. Brown

Seanna R. Brown
Partner

cc: Carmine D. Boccuzzi, Jr.

for writ of certiorari (Case No. 17-2992, Document No. 1503). On August 29, 2019, defendants-appellees filed a Petition for a Writ of Certiorari to the United States Supreme Court (Case No. 19-277). On October 30, 2019, the Trustee filed his brief in opposition.